

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, as Executrix of the
ESTATE of HELEN RUNGE,

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants.

Civil Action No. 05-10849-RGS

**WITHDRAWAL of FARRAH SEIDLER'S
EMERGENCY MOTION to QUASH SUBPOENA**

On evening of Friday, May 4, 2007, plaintiff's counsel faxed a letter stating that he has agreed to move the deposition of Farrah Seidler to Tuesday, May 8, 2007, thereby mooting Ms. Seidler's motion to quash the subpoena for Wednesday, May 9, 2007 (Docket Entry #104). *See Exhibit A.*¹ The deposition of Ms. Seidler is expected to occur tomorrow morning in Exton, Pennsylvania starting at 10:30 A.M.

¹ For purposes of clarification, I briefly address the excuse given by plaintiff's counsel for his last minute notice of this change in the date for this out-of-state deposition. Plaintiff's counsel's May 4th letter claims that I did not provide him with alternative dates for the deposition. On April 25th, I faxed a letter to plaintiff's counsel informing him that Ms. Seidler was unavailable on May 9th and providing a list of alternative dates. **Exhibit B.** Plaintiff's counsel subsequently rejected each of those dates and I provided a second set of alternative dates on April 27th. That second set of dates included Tuesday, May 8, 2007. *See Exhibit C* ("Ms. Seidler has agreed to rearrange her schedule and will be available on May 8th. But she cannot appear before 10:30 A.M. on that day. I have contacted Attorneys Carlucci and Hamrock and they are both agreeable to proceeding with the deposition of Ms. Seidler on Tuesday, May 8th."). Plaintiff's counsel was contacted by telephone on Wednesday, May 2nd in an effort to confirm that the deposition had been moved to May 8th, but plaintiff's counsel responded by claiming that he had another deposition on that date and expected the deposition to proceed on May 9th. The present motion to quash was filed on the morning of Thursday, May 3rd, which included a recitation of the history of the efforts to schedule Ms. Seidler's deposition dating back to December of 2006. That motion again stated that Ms. Seidler was available on May 8th. Despite all of this notice, plaintiff's counsel waited until the evening of Friday, May 4th to notify counsel that he had finally agreed to move this out-of-state deposition.

The claim that I did not provide plaintiff's counsel with alternative dates is simply inaccurate. It is readily apparent that the reason plaintiff's counsel choose to wait until Friday evening before notifying defense counsel of

Respectfully submitted,
Farrag Seidler
by her attorneys,

/s/ Michael Williams

K. Scott Griggs (BBO# 555988)
Michael Williams (BBO# 634062)
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210-1736
Telephone: (617) 439-4990
Facsimile: (617) 439-3987
MWilliams@Lawson-Weitzen.com

CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 3, 2006.

/s/ Michael Williams

his decision to move the deposition to Tuesday, May 8th was simply an effort to increase to inconvenience and costs to defense counsel.



1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, PA 17050
(717) 620-2424
(717) 620-2444 (Fax)

TO: Michael Williams

FROM: Glenn R. Davis

DATE: May 4, 2007

FAX NO.: (617) 439-3987

FILE NO.: 812-03

TOTAL PAGES SENT INCLUDING COVER PAGE: 2

MESSAGE:

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L D Y & M LATSHA DAVIS YOHE
& MCKENNA, P.C.
ATTORNEYS AT LAW

PLEASE REPLY TO:
WRITER'S E- MAIL:
Mechanicsburg
gdavis@ldylaw.com

May 4, 2007

VIA FACSIMILE AND FIRST-CLASS MAIL

Michele Carlucci, Esq.
Wilson, Elser, Moskowitz,
Edelman & Dicker LLP
155 Federal Street
Boston, MA 02110-1727

James S. Hamrock, Esq.
Hamrock & Tocci
101 Main Street, 18th Floor
Cambridge, MA 02141

Re: Helen A. Runge v. Walter J. Kelly, et al.
No. 05-10849-RGS
Our File No. 812-03

Dear Counsel:

Pursuant to the request of Mr. Williams and his representations that his client is available for deposition on Tuesday, May 8, rather than Wednesday, May 9, we have agreed with him to reschedule the deposition on that date. I apologize for the late notice of this matter, however, we did not receive any response to our April 13 request for dates of availability. If you have any questions or if we need to make arrangements for your participation by telephonic means, please contact me.

Very truly yours,



Glenn R. Davis

/hs

cc: Michael Williams, Esq.

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-2444

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

3000 Arrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

115446

Maryland Telephone: (410) 727-2810

LAWSON & WEITZEN, LLP

ATTORNEYS AT LAW

88 BLACK FALCON AVENUE, SUITE 345
 BOSTON, MASSACHUSETTS 02210-2414

EVAN T. LAWSON *
 RICHARD B. WEITZEN *
 PAMELA B. BANKERT
 FRANK L. BRIDGES
 IRA H. ZALEZNICK
 JOHN J. WELTMAN ***
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 SCOTT T. BUCKLEY
 KRISTINA A. ENGBERG
 C. KIMBERLY BAKEBERG
 JAMES M. HENRY
 ADAM M. SCHOEN

BOSTON
 TELEPHONE (617) 439-4990
 TELECOPIER (617) 439-3987
 EMAIL: POST@LAWSON-WEITZEN.COM
 WWW.LAWSON-WEITZEN.COM

CAPE COD
 LAWSON, WEITZEN & BANKERT, LLP
 SIX GRANITE STATE COURT
 BREWSTER, MASSACHUSETTS 02631
 TELEPHONE (508) 255-3600

MARLBOROUGH
 LAWSON, WEITZEN & HAILER, LLP
 171 LOCKE DRIVE, SUITE 101
 MARLBOROUGH, MASSACHUSETTS 01752
 TELEPHONE (508) 618-1025

April 25, 2007

VIA FACSIMILE (717) 620-2444

Glenn R. Davis, Esq.
 Latsha Davis Yohe and McKenna, P.C.
 1700 Bent Creek Blvd., Suite 140
 Mechanicsburg, PA 17050

Re: *Runge v. Kelley, et al.*, 05-cv-10849-RGS

Dear Attorney Davis:

This letter concerns the deposition of Farrah Seidler. On Wednesday, April 18, 2007 you mailed a deposition subpoena to this office seeking to take the deposition of Ms. Seidler on May 9, 2007. My client has advised me that she is not available the week of May 7 through May 11.

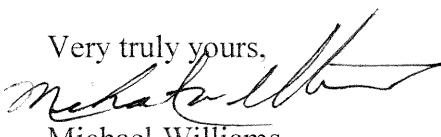
Ms. Seidler suggest the following dates on which she is available:

Wednesday, May 16

Friday, May 18

Wednesday, May 30

Please let me know if these work as alternatives.

Very truly yours,

 Michael Williams

cc: Farrah Seidler (by mail)
 Michele Carlucci, Esq. (617) 42~~3~~³-6917
 James S. Hamrock, Jr., Esq. (617) 496-1707

* ALSO ADMITTED IN NY
 ** ALSO ADMITTED IN NH
 *** ALSO ADMITTED IN CA
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***** -COMM. JOURNAL- ***** DATE APR-25-2007 ***** TIME 15:23 *****

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002	OK	✉	6174961707-74100340	002/002	00:00:28
003	OK	✉	6174226917-74100340	002/002	00:00:46

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6174393987- *****

LAWSON & WEITZEN, LLPATTORNEYS AT LAW
88 BLACK FALCON AVENUE, SUITE 345
BOSTON, MASSACHUSETTS 02210-2414

EVAN T. LAWSON
 RICHARD B. WEITZEN*
 PAMELA B. BANKERT
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BOSTON
 TELEPHONE (617) 439-4990
 FACSIMILE (617) 439-3987
 EMAIL POST@LAWSON-WEITZEN.COM

CAPE COD
 LAWSON, WEITZEN & BANKERT, LLP
 SIX GRANITE STATE COURT, BREWSTER, MA 02631
 TELEPHONE (508) 255-3600
 FACSIMILE (508) 255-3976

MARLBOROUGH
 LAWSON, WEITZEN & HAILER, LLP
 171 LOCKE DRIVE, SUITE 101, MARLBOROUGH, MA 01752
 TELEPHONE (508) 816-1025

FACSIMILE TRANSMISSION SHEET

DATE: April 25, 2007 C/M# 74100/340

TO: Glenn R. Davis (717) 620-2444
 James S. Hamrock, Jr., (617) 496-1707
 Michelle Carlucci (617) 422-6917

FROM: Michael Williams

No. of PAGES: 2

COMMENTS: Runge v. Kelley, et al., 05-cv-10849-RGS

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LAWSON & WEITZEN, LLP

ATTORNEYS AT LAW

88 BLACK FALCON AVENUE, SUITE 345
BOSTON, MASSACHUSETTS 02210-2414

EVAN T. LAWSON
RICHARD B. WEITZEN*
PAMELA B. BANKERT
FRANK L. BRIDGES
IRA H. ZALEZNICK
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VALERIE L. PAWSON
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BOSTON
TELEPHONE (617) 439-4990
FACSIMILE (617) 439-3987
EMAIL:POST@LAWSON-WEITZEN.COM

CAPE COD
LAWSON, WEITZEN & BANKERT, LLP
SIX GRANITE STATE COURT, BREWSTER, MA 02631
TELEPHONE (508) 255-3600
FACSIMILE (508) 255.3976

MARLBOROUGH
LAWSON, WEITZEN & HAILER, LLP
171 LOCKE DRIVE, SUITE 101, MARLBOROUGH, MA
01752
TELEPHONE (508) 618-1025

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DATE: April 27, 2007 C/M# 74100/340

TO: Glenn R. Davis (717) 620-2444
Blake J. Godbout (617) 227-3709
James S. Hamrock, Jr., (617) 496-1707
George C. Rockas (617) 423-6917

FROM: Michael Williams

No. of PAGES: 1

COMMENTS: Runge v. Kelley, et al., 05-cv-10849-RGS

Attorney Davis:

As it is now past 5:00 P.M. on Friday and you have not yet contacted me to inform me whether or not you would be able to take Ms. Seidler's deposition on Tuesday, May 1, I have informed Ms. Seidler that we will not proceed with her deposition on that date.

Ms. Seidler has agreed to rearrange her schedule and will be available on May 8th. But she cannot appear before 10:30 A.M. on that day. I have contacted Attorneys Carlucci and Hamrock and they are both agreeable to proceeding with the deposition of Ms. Seidler on Tuesday, May 8th.

As you previously indicated that you were available for a deposition on May 9th, I assume this means you would be available for a deposition of Ms. Zolin if her deposition were rescheduled for that date.

Michael Williams

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ATTORNEYS AT LAW
 88 BLACK FALCON AVENUE, SUITE 345
 BOSTON, MASSACHUSETTS 02210-2414

EVAN T. LAWSON
 RICHARD B. WEITZEN*
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BOSTON
 TELEPHONE (617) 439-4990
 FACSIMILE (617) 439-3987
 EMAIL POST@LAWSON-WEITZEN.COM

CAMBRIDGE
 LAWSON, WEITZEN & HAILER, LLP
 SIX GRANITE STATE COURT, BREWSTER, MA 02631
 TELEPHONE (508) 255-3600
 FACSIMILE (508) 256-3976

MARLBOROUGH
 LAWSON, WEITZEN & HAILER, LLP
 171 LOCKE DRIVE, SUITE 101, MARLBOROUGH, MA 01752
 TELEPHONE (508) 518-1026

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